

UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ESTEBAN MARQUEZ,

Case No. 20-CV-5855

Plaintiff,

-against-

**NOTICE OF MOTION**

INDIAN TAJ, INC. d/b/a SANTOOR INDIAN  
RESTAURANT, BALVINDER SINGH,  
HARMINDER SIGNH, JOGINDER SINGH,  
KIRPAL SINGH and MEHANGA SINGH,

Defendants.

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**PLEASE TAKE NOTICE** that upon the annexed affidavit of Mehanga Singh, sworn to on February 14, 2025, the affirmation of Vincent T. Pallaci dated February 14, 2025, all of the exhibits annexed thereto, and upon the memorandum of law submitted herewith, defendant Mehanga Singh now moves this Court, before the Hon. Rober M. Levy, U.S.M.J.: (1) to vacate the default judgment against him pursuant to FRCP Rule 60(b)(4), FRCP Rules 12(b)(2), 12(b)(4) and/or 12(b)(5) because the judgment is void due to improper service and this Court therefore never obtained personal jurisdiction over Mr. Singh; and (2) upon vacating the default against Mr. Singh dismissing all claims against him pursuant to FRCP Rule 12(b)(6) because the claims against Mr. Singh are time barred and/or pursuant to FRCP Rules 12(b)(2), 12(b)(4) and/or 12(b)(5) because service was improper and insufficient and this Court therefore lacks personal jurisdiction over Mr. Singh; and (3) if the Court does not grant the FRCP Rule 12(b) motion to dismiss then, upon vacating the default, permitting the defendant to file an answer and defend the claims against him within twenty (20) days of an order vacating the default.

**PLEASE TAKE FURTHER NOTICE** that pursuant to the January 15, 2025 order of the Hon. Rober M. Levy, opposition papers, if any, are to be served on or before February 28, 2025 and movant's reply papers, if any, are due on or before March 7, 2025.

Dated: Bohemia, New York  
February 14, 2025

Respectfully submitted,

KUSHNICK PALLACI PLLC

/s/ Vincent T. Pallaci  
VINCENT T. PALLACI (VP 0801)  
Attorneys for Joginder Singh and Mehanga Singh  
3920 Veterans Memorial Highway, Suite 7  
Bohemia, New York 11716  
(631) 752-7100  
[vtp@kushnicklaw.com](mailto:vtp@kushnicklaw.com)